

## Surface Mining Reclamation and Enforcement, Interior

## § 884.13

lien to be filed against the property involved.

(c) Within 60 days after the lien is filed the landowner may petition under local law to determine the increase in market value of the land as a result of reclamation work. Any aggrieved party may appeal in the manner provided by local law.

[47 FR 28599, June 30, 1982, as amended at 73 FR 67642, Nov. 14, 2008]

### § 882.14 Satisfaction of liens.

(a) A lien placed on private property shall be satisfied, to the extent of the value of the consideration received, at the time of transfer of ownership. Any unsatisfied portion shall remain as a lien on the property.

(b) The OSM, State, or Indian tribe which files a lien on private property shall maintain or renew it from time to time as may be required under State or local law.

(c) Moneys derived from the satisfaction of liens established under this part shall be deposited in the appropriate abandoned mine reclamation fund account.

## PART 884—STATE RECLAMATION PLANS

Sec.

884.1 Scope.

884.5 Definitions.

884.11 State eligibility.

884.13 Content of proposed State reclamation plan.

884.14 State reclamation plan approval.

884.15 State reclamation plan amendments.

884.16 Suspension of plan.

884.17 Other uses by certified States and Indian tribes.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

SOURCE: 47 FR 28600, June 30, 1982, unless otherwise noted.

### § 884.1 Scope.

This part establishes the procedures and requirements for the preparation, submission and approval of State reclamation plans.

### § 884.5 Definitions.

As used in this part—

*Reclamation plan* or *State reclamation plan* means a plan that a State or Indian tribe submitted and that we ap-

proved under section 405 of SMCRA and part 884 of this chapter.

[73 FR 67642, Nov. 14, 2008]

### § 884.11 State eligibility.

You, a State or Indian tribe, are eligible to submit a reclamation plan if you have eligible lands or water as defined in § 700.5 of this chapter within your jurisdiction. We may approve your proposed reclamation plan if you have an approved State regulatory program under section 503 of SMCRA, and you meet the other requirements of this chapter and SMCRA. The States of Tennessee and Missouri are exempt from the requirement for an approved State regulatory program by section 402(g)(8)(B) of SMCRA. The Navajo, Hopi, and Crow Indian tribes are exempt from the requirement for an approved regulatory program by section 405(k) of SMCRA.

[73 FR 67642, Nov. 14, 2008]

### § 884.13 Content of proposed State reclamation plan.

(a) *Requirements applicable to all eligible States and Indian tribes.* You must submit the proposed reclamation plan to the Director in writing. The plan must include the information in paragraphs (a)(1) through (6) of this section.

(1) A designation by the Governor of the State or the governing authority of the Indian tribe of the agency authorized to administer the State or Tribal reclamation program and to receive and administer grants under part 885 or part 886 of this chapter.

(2) A legal opinion from the State Attorney General or the chief legal officer of the State agency that the designated agency has the authority under State law to conduct the program in accordance with the requirements of Title IV of the Act.

(3) A description of the policies and procedures to be followed by the designated agency in conducting the reclamation program, including—

(i) The purposes of the State reclamation program;

(ii) The specific criteria, consistent with section 403 of the Act for ranking and identifying projects to be funded;

(iii) The coordination of reclamation work among the State reclamation